

ORDINANCE NO. 2024- 35

**CITY OF POMPANO BEACH
Broward County, Florida**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.4209., "INSTITUTIONAL HEALTH CARE USES," TO MODIFY THE STANDARDS FOR AMBULATORY SURGICAL CENTERS (ASC); AND BY AMENDING ARTICLE 9, PART 5, "TERMS AND USES DEFINED," TO PROVIDE A DEFINITION FOR AMBULATORY SURGICAL CENTER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Florida Statutes, Section 166.041, advertisements in accordance with said statute have been published in a newspaper in the City of Pompano Beach, at least 10-days prior to the public hearings on this proposed Ordinance; and

WHEREAS, two public hearings have been held and all persons so desiring had the opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 155.4209.B.3, "Institutional Health Care Uses," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

155.4209. INSTITUTIONAL: HEALTH CARE USES

...

B. SPECIALTY MEDICAL FACILITY

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														S	P

M -1	C R	I- 1	I- IX	OI P	M -2	T O	P R	C F	P U	T	BP	RPU D	PC D	PD- TO	LA C	PD -1
		P		P				P					P		P	P

2. Definition

A specialty medical facility is a facility, regardless of size, offering specialized treatment and services including, but not limited to, ambulatory surgical facilities, dialysis centers, substance abuse treatment facilities, outpatient rehabilitation facilities, birthing facilities, and urgent care facilities (not including a 24-hour urgent care facility). This use also includes medical or dental offices which are larger than 5,000 sq ft gross floor area (gfa).

3. Standards

A specialty medical facility shall comply with the following standards:

- a. Separation from Residential Uses. The facility shall be at least 500 feet from a Single Family (RS) or Two-Family (RD) Zoning District. An ambulatory surgical facility that is smaller than 5,000 sq ft gfa is excluded from this separation requirement.
- b. Overnight Treatment. Overnight treatment is prohibited.
- c. Hours of Operations. The facility shall not offer treatment or similar services between the hours of 10:00 p.m. and 7:00 a.m.
- d. Ambulatory surgical facilities that are smaller than 5,000 sq. ft. gfa shall not provide any overnight treatment or surgical services between the hours of 6:00 p.m. and 7:00 a.m.

...

SECTION 2. That Article 9, "Definitions and Interpretations, Part 5, "Terms and Uses Defined," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

ARTICLE 9: DEFINITIONS AND INTERPRETATION

...

PART 5 TERMS AND USES DEFINED

The following words, terms, and phrases, when used in this Code, shall have the meaning ascribed to them in this section.

...

Amateur Ham Radio Antenna

An antenna, or any combination of a mast or tower plus an attached or mounted antenna, that transmits noncommercial communication signals and is utilized by an amateur radio operator licensed by the Federal Communications Commission.

Ambulatory Surgical Center

An ambulatory surgery center (ASC) is a State licensed facility not part of a hospital with the primary purpose of providing elective surgical care. Patients who choose to have surgery in an ASC arrive on the day of their procedure and, following their post-operative recovery, are discharged from the facility the same business day, with no overnight stays permitted. ASCs treat only patients who have already seen a healthcare provider and selected surgery as the appropriate treatment. Physician's offices, hospitals and free-standing emergency rooms are not ASCs and are regulated separately by the Code.

Amphitheater

See "Arena, Stadium, or Amphitheater."

...

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 23rd day of April, 2024.

PASSED SECOND READING this 28th day of May, 2024.

DocuSigned by:
Rex Hardin
502CB780EB3F480

REX HARDIN, MAYOR

ATTEST: DocuSigned by:
Kerwin Alfred
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KERWIN ALFRED, CITY CLERK

